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CRIMINAL SOCIOLOGY. By Enrico Ferri. Boston: Little, Brown and Company.

To review this book fairly it is necessary to remember the background against which it was written. The author, the friend, and son-in-law, as well as the intellectual disciple of Lombroso, is above all conscious of the fierce storm of controversy which has gathered about his master's work. It is a controversy in which quarter has been neither given nor taken. Lombroso's opponents, indeed, as Aschaffenberg has well said,<sup>1</sup> judge him rather by his faults than by his virtues; and in their eagerness to remember what he did not do, there is a real tendency to forget his solid achievement.

All of this has left its clear trace not only on Signor Ferri's mind, but also on his heart. When he sits down to write, he sees before him the men whose intellectual inability to appreciate Lombroso's doctrines inspires him with contempt, and whose discourteous treatment of this school has moved him to violent rage with the inevitable result that what he has written is less a scientific discussion than what Burnetière has felicitously termed a "*discours de combat*." Such effort has, indeed, its own value in the present stage of criminological discussion. Criminology is itself so new a science that any vigorous and clear defense of a particular doctrine has its special use. This, at least, Signor Ferri has done. He clearly grasps the tenets of his school. He has a saving commonsense which prevents him from defending the more extreme views into which an over-imaginative enthusiasm sometimes led Lombroso himself. He has a keen, if unsympathetic, eye for the weakness of an opponent's position. But it is not possible at once to attack a special thesis and to give an adequate general exposition of the whole subject. The treatment as a consequence loses proportion and perspective, simply because the spirit of the two inquiries are incompatible.

Still, the book is a useful one. Particularly good are the classification of criminals (in which Signor Ferri clearly restates his former argument), and the statement of the relation between environment and crime, where recent research has led the author very sensibly to modify earlier and more extreme views. The old over-emphasis on such supposed criminal tendencies as tattooing has largely disappeared. The whole atmosphere of the book shows a marked tendency to admit the tentative character of the earlier evidence upon which the Lombrosian theories were based. This is a great step forward. And the measures suggested for the improvement of criminal law and its administration will everywhere command general acceptance. It is a great pity that in this new edition Signor Ferri should not have been led to revise his inadequate treatment of the jury system and his advocacy of free trade as a causal factor in the diminution of crime. Nevertheless, one is glad to have in English dress a book that well represents the attitude of the most enlightened section of the Italian school.

ARTHUR D. HILL.

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LA DÉFINITION DU DROIT. By H. Lévy-Ullman. Paris: Larose.

This book is interesting evidence of the renaissance of legal philosophy in France. When, nearly twenty years ago, M. Geny emphasized in a famous book the need for a critical methodology, all that existed in the way of philosophic interpretation were the few scant paragraphs on the notion of law which every commentator on the Civil Code threw in as a half-reluctant sacrifice to that unrecognized science called jurisprudence. Today the efforts of Geny and Demogue in one field, and Duguít and Hauriou in another, are

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<sup>1</sup> CRIME AND REPRESSION, 169.

doing nothing so much as to remake the fundamental conceptions of law; and the noble effort of Saleilles, particularly his great treatise on obligation, points the way to the kind of synthesis that is demanded.

Professor Lévy-Ullman has written what is the introduction to a series of volumes on the nature of jurisprudence. He has rightly understood that the first task in that work is the definition of law. What he has done in the present volume is to pass in critical review the various theories that today hold the field, to demonstrate what appears in them to be inadequate, and then to suggest a definition of his own. Much of this critical work is admirably done. It is always clear and straightforward. It shows at every point wide reading, and a real power of presenting the facts at issue. Particularly effective is the criticism of the sociological school of jurisprudence as represented by philosophers like M. Gaston Richard, and lawyers like M. Tanon. It may, indeed, be doubted whether the work of either in fact possesses the importance attached to it; just as it is legitimate to doubt whether the exercises in civilian logic even of such able men as Aubry and Planiol really go to the root of the matter. It is only with the realistic studies of Geny and Duguit that French lawyers began adequately to realize that the sources of law might be found outside the Civil Code.

But the real complaint against this volume is its total neglect of German work. I do not for one moment doubt that nothing in Germany surpasses the admirable efforts of men like Duguit and Geny and Saleilles; but no one can seriously attempt the study of philosophical jurisprudence and neglect the work of Stammler and Kantorowicz, of Ehrlich and of Gierke. I would hazard the opinion that Ehrlich's discussion of the sociological basis of law is a book that, in the perspective of time, will take its place on the same shelf that we reserve for Montesquieu and Maitland. Not even the war can destroy the comity of science; and M. Geny admirably realized that in the noble essays on Kohler and Stammler and Cathrein which stand at the forefront of the second volume of his "*Science et Technique*." And, similarly, however much one may sympathize with the contents of his last two pages, it is surely out of place in a scientific discussion of law.

M. Lévy-Ullman's own definition of law seems to me less happy than his criticisms. "Law," he says, on page 146, "is the delimitation of what it is permitted either to do or to refrain from doing, without incurring condemnation or penalty." It is a piece of admirable caution, but it surely neglects the fundamental interests involved. It tells us nothing as to the source of law. It does not say what body is to condemn or penalize. Would M. Lévy-Ullman regard a resolution of condemnation passed by a Ladies' Dorcas Society upon an erring sister as an act of law? Or does he limit the path of law to the action of the courts? It is, of course, impossible to do justice to this volume until we have seen what is to follow. But the hope may be expressed that M. Lévy-Ullman will realize the need for dealing with the legal thought of countries other than his own, and of following out the implications of his theory into the vast field that it lays open before him. H. J. L.

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**THE QUESTION OF THE BOSPHORUS AND DARDANELLES.** By Coleman Phillipson and Noel Buxton. London: Stevens and Haynes.

To say as we may that a book is "timely" is one way to cover a multitude of sins. The present volume, however, suffers not so much from a multitude of sins as from a lack of any particular virtues. It is a short study of a very important question, yet it might well have been shorter. Apart from the physical consideration of the thick paper, fine large print, generous margins,